

Version with Markings to Show Changes Made

26. (Amended) Apparatus for notifying a called-but-busy party of an incoming telephone call attempt over a telephone line while the called-but-busy party is accessing the Internet over the same telephone line, comprising:

a specially designated, predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party accessing said Internet; and

a message formatter;

wherein said specially designated, predetermined telephone number center is adapted to cause said message formatter to send a notification message to said called-but-busy party upon request from a remote telephone user.

REMARKS

Claims 1-44 remain pending in the application.

Claims 1-25 over Smock in view of Bajzath

In the Office Action, claims 1-25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock et al., U.S. Patent No. 6,377,668 ("Smock") in view of Bajzath et al., U.S. Patent No. 6,144,644 ("Bajzath"). The Applicants respectfully traverse the rejection.

Claims 1-25 recite, *inter alia*, an Internet communication module/calling party causing a personalized notification message recorded by a remote telephone user or calling party to be sent to a called-but-busy party/Internet user.

Smock appears to disclose a method and apparatus to inform an online computer user of a presence of an incoming telephone call without disturbing an associated modem connection (Abstract). A synthesized voice message announces the name and telephone number of a caller to the user (Smock, col. 3, lines 66-col. 4, line 2). The voice messages stored in a voice database are played to the user over a speaker (Smock, col. 4, lines 2-4). A caller with a desire to access an Internet user calls the telephone number of the Internet user (Smock, col. 3, lines 34-45).

The Office Action correctly acknowledged that Smock fails to disclose that the message sent to the called-but-busy party is a personalized notification recorded by a remote telephone user or caller (Office Action, page 3). The Office Action relies on Bajzath to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

Bajzath appears to disclose a system and method for implementing call waiting functions over a network architecture which includes a public switched telephone network and the Internet (Abstract). If a user is actively connected to the Internet, a call waiting Internet server can be used to provide incoming call information to the user's computer terminal (Bajzath, Abstract). The caller's name and telephone number are sent to a call waiting server and an announcement is played to the caller (Bajzath, col. 6, lines 30-32). The caller's

information is then sent from the call waiting Internet server to the user's personal computer which displays the caller's information on a display screen (Bajzath, col. 6, lines 33-38).

Bajzath fails to even mention that the caller records a notification message. Bajzath only allows the Internet user to view the name and telephone number of the caller, i.e., caller ID information, **NOT** a **recorded** **personalized** notification message, as recited by claims 1-25.

Neither Smock nor Bajzath, either alone or in combination, disclose, teach or suggest an Internet communication module/calling party causing a personalized notification message **recorded** **by a remote telephone user or calling party** to be sent to a called-but-busy party/Internet user, as respectively claimed by claims 1-25.

A benefit of sending a personalized **recorded** message versus a "canned" message to an Internet user is, e.g., giving the Internet user more information when deciding to take a call. A personalized message may allow an Internet user to continue uninterrupted without having to converse with a calling party if a calling party only needs to relay information not needing a reply. Neither Smock nor Bajzath disclose or suggest such a benefit.

Accordingly, for at least all the above reasons, claims 1-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 26-29, 32-36, 38-42 and 44 over Smock in view of Berberich

In the Office Action, claims 26-29, 32-36, 38-42 and 44 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock in view of Berberich, Jr. et al., U.S. Patent No. 5,818,919 ("Berberich"). The Applicants respectfully traverse the rejection.

Claims 26-29 and 32 recite, *inter alia*, a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party accessing the Internet upon request from a remote telephone user. Claims 33-36, 38-42 and 44 recite, *inter alia*, notifying an Internet user through a specially designated,

predetermined telephone number center, adapted to receive a call from a calling party with a desire to send a notification message to the Internet user, that a calling party is requesting access to the Internet user over a telephone line.

As discussed above, Smock appears to disclose a method and apparatus to inform an online computer user of a presence of an incoming telephone call without disturbing an associated modem connection (Abstract). A synthesized voice message announces the name and telephone number of a caller to the user (Smock, col. 3, lines 66-col. 4, line 2). The voice messages stored in a voice database are played to the user over a speaker (Smock, col. 4, lines 2-4). A caller with a desire to access an Internet user calls the telephone number of the Internet user (Smock, col. 3, lines 34-45).

The Office Action correctly acknowledged that Smock fails to disclose a predetermined telephone number center adapted to receive a call from a caller with a desire to send a notification message to a called-but-busy party and to cause a message formatter to send a notification message to the called-but-busy party upon request from a caller (Office Action, page 8). The Office Action relies on Berberich to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

Berberich appears to disclose an automated intelligent network system and method for providing automatic forwarding of calls to enhanced telecommunications service platforms across network boundaries (Abstract). An enhanced service platform is employed to implement an enhanced service such as voice messaging (Berberich, col. 4, line 66-col. 5, lines 2). A call is routed to a mailbox for a dialed number (Berberich, col. 5, lines 10-26).

Berberich's enhanced service platform provides voicemail service for a caller. An enhanced service platform providing voicemail service for a caller is **NOT** a specially designated, predetermined telephone number center that provides a notification message to an Internet user, as recited by claims 26-29, 32-36, 38-42 and 44.

Neither Smock nor Berberich, either alone or in combination, disclose, teach or suggest a specially designated, predetermined telephone

number center that provides a notification message to an Internet user, as recited by claims 26-29, 32-36, 38-42 and 44.

The Office Action alleges that Berberich's voice messaging system reads on the claimed call center because the voice messaging system is a center for receiving incoming calls and messages for a plurality of voice messaging system subscribers and forwards one of the received messages to a corresponding subscriber (Office Action, page 12).

Although Berberich discloses a voice messaging system, a caller calls a desired party and the calls are forwarded to the voice messaging system. The voice messaging system is not disclosed as having a predetermined telephone number as alleged.

Moreover, Berberich fails to even mention the Internet. Forwarding of calls to a voice messaging system requires a user to call the voice messaging system to retrieve the messages. Calling a voice messaging system to retrieve messages is **NOT** a notification message provided to an Internet user, as recited by claims 26-29, 32-36, 38-42 and 44.

Accordingly, for at least all the above reasons, claims 26-29, 32-36, 38-42 and 44 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 30, 31, 37 and 43 over Smock in view of Berberich and Bajzath

In the Office Action, claims 30, 31, 37 and 43 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Smock in view of Berberich, and further in view of Bajzath. The Applicants respectfully traverse the rejection.

Claims 30, 31, 37 and 43 are dependent on claims 26 and 33 respectively, and are allowable for at least the same reasons as claims 26 and 33.

Claims 30 and 31 recite, *inter alia*, a specially designated, predetermined telephone number center that is adapted to cause a message formatter to send a notification message to a called-but-busy party accessing the Internet upon request from a remote telephone user. Claims 37 and 43 recite, *inter alia*, notifying an Internet user through a specially designated, predetermined

telephone number center, adapted to receive a call from a calling party with a desire to send a notification message to the Internet user, that a calling party is requesting access to the Internet user over a telephone line.

As discussed above, neither Smock nor Berberich, either alone or in combination, disclose, teach or suggest a specially designated, predetermined telephone number center that provides a notification message to an Internet user, as recited by claims 30, 31, 37 and 43.

As discussed above, Bajzath appears to disclose a system and method for implementing call waiting functions over a network architecture which includes a public switched telephone network and the Internet (Abstract). If a user is actively connected to the Internet, a call waiting Internet server can be used to provide incoming call information to the user's computer terminal (Bajzath, Abstract). The caller's name and telephone number are sent to a call waiting server and an announcement is played to the caller (Bajzath, col. 6, lines 30-32). The caller's information is then sent from the call waiting Internet server to the user's personal computer which displays the caller's information on a display screen (Bajzath, col. 6, lines 33-38).

Bajzath discloses calling the Internet user and a call waiting Internet server forwarding caller information to the Internet user while remaining online. Bajzath fails to disclose or suggest a caller calling anywhere but the Internet user, much less a specially designated, predetermined telephone number center, as recited by claims 30, 31, 37 and 43.

Neither Smock, Berberich nor Bajzath, either alone or in combination, disclose, teach or suggest a specially designated, predetermined telephone number center that provides a notification message to an Internet user, as recited by claims 30, 31, 37 and 43.

Accordingly, for at least all the above reasons, claims 30, 31, 37 and 43 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W.H. Bollman', written over a horizontal line.

William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df